Attorney Docket No. RSW920010222US1 (5577-351)   PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Brabson et al.   Confirmation No.: 3561
Serial No.: 10/007,582   Examiner: Joseph T. Pan
Filed: December 5, 2001   Group Art Unit: 2135
For: OFFLOAD PROCESSING FOR SECURE DATA TRANSFER

                                      December 7, 2007

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

ON APPEAL UNDER 37 C.F.R. §41.41

Sir:

        This Reply Brief is filed in response to the Examiner's Answer mailed October

10, 2007 (hereinafter "Examiner's Answer"). It is not believed that an extension of time

and/or additional fee(s) are required, beyond those that may otherwise be provided for in

documents accompanying this paper. In the event, however, that an extension of time is

necessary to allow consideration of this paper, such an extension is hereby petitioned for

under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with

this paper may be charged to Deposit Account No. 09-0461.

I.   **The Examiner's Answer – Response to Argument**

        Appellants will refrain herein from readdressing all of the deficiencies with

the pending rejections and, therefore, in the interest of brevity, Appellants hereby

incorporate herein the arguments set out in Appellants' Brief on Appeal filed June 4,

2007 (hereinafter "Appeal Brief") as if set forth in their entirety. Accordingly,

Appellants will only address new arguments made in the Examiner's Answer.

        In the "Response to Argument" section beginning on page 9, the Examiner's

Answer attempts to rebut Appellants' arguments set forth in Section I A of the Appeal

Brief. Appellants will respond to the arguments in the Examiner's Answer for this

section below. The Examiner's Answer on pages 9 - 11 essentially argues that Anand teaches that the software component 144 can be implemented as part of the transport protocol driver (Anand, col. 10, lines 64 - 67); therefore, Anand discloses providing a security offload component as part of an operating system kernel. Appellants respectfully disagree. Anand does not describe using the software component 144 for offloading security processing, but instead describes using the software component 144 to append extensions to the packets. Anand states:

> For example, in FIG. 3, the data packet 142 is passed to a software component 144, which could be implemented separately or implemented as part of the transport protocol driver itself, that appends a packet extension to the packet 142. Data will be included within in packet extension depending on the particular task that is to be offloaded. For instance, if an IP security function is to be implemented, data that indicates that the NIC 100 should encrypt the data packet in accordance with a specified encryption key would be included. Of course, the software component 144 could append predefined data such that any one of a number of functions, such as those would be discussed above, would be **performed at the hardware level instead of by software components** that reside in the network layers. (Anand, col. 10, line 64 - col. 11, line 10; emphasis added).

The above passage from Anand makes clear that the software component 144 merely appends data to packets that hardware, such as the NIC 100, uses to determine what kind of security operation to perform on the packets. Anand does not disclose or suggest performing security processing in the software component 144, but instead describes offloading such processing to the hardware.

On pages 12 and 13 the Examiner's Answer attempts to rebut Appellants' arguments that Anand does not inherently disclose offloading security processing to a security offload component in an operating system kernel. In particular, the Examiner's Answer quotes language from Claim 1 of Anand at col. 15, lines 48 - 56 regarding the operating system enabling offload capabilities. (Examiner's Answer, page 13). The language of Claim 1 of Anand, however, merely states that the operating system enables offload capabilities of the **peripheral hardware device**. Claim 1 of Anand does not disclose or suggest enabling a security offload component
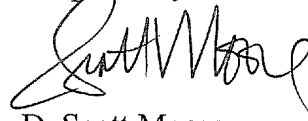
in an operating system kernel, but instead reinforces Appellants' argument that Anand describes offloading security processing to a hardware device.

On pages 13 - 15 the Examiner's Answer attempts to rebut Appellants' arguments regarding the patentability of dependent Claims 8 - 11 and 17. As Appellants maintain that Anand does not disclose or suggest offloading security processing to an offload component in an operating system kernel, Appellants respectfully submit that Anand does not disclose or suggest the details of such offloading as recited in dependent Claims 8 - 11 and 17.

II.   Conclusion

For at least the reasons set forth above and in Appellants' Appeal Brief, Appellants request reversal of the rejections of the pending claims, allowance of the pending claims, and passing of the application to issue.

Respectfully submitted,

D. Scott Moore
Registration No. 42,011

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 46589